

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SILVIA GONZALEZ and MARTHA MENDOZA  
GONZALEZ, individually and on  
behalf of others similarly situated,

**ORDER**

**10-CV-1000 (NGG) (RML)**

Plaintiffs,

-against-

JANE ROE INC., an unknown corporation doing  
business as ROMY'S NAILS, and ROMELIA  
AGUDO, GALO AGUDO, and JULIA PACUAR,

Defendants.

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NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiffs Sylvia Gonzalez and Martha Mendoza Gonzalez commenced this action on March 5, 2010, asserting claims for unpaid minimum and overtime wages and spread-of-hours damages under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq., and the New York Labor Law, N.Y. Lab. Law § 650 et seq. (Compl. (Dkt. 1).)

On October 28, 2013, Plaintiffs moved for summary judgment. (Notice of Mot. for Summ. J. (Dkt. 25).) On April 8, 2014, the court referred this motion to Magistrate Judge Robert M. Levy for a Report and Recommendation ("R&R") pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1). (Dkt. 40.) On July 24, 2014, Judge Levy issued an R&R recommending that Plaintiff's motion be granted as to liability and directing the parties to appear for a hearing on damages on October 15, 2014. (R&R (Dkt. 41).)

No party has objected to Judge Levy's R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). (See also R&R at 16 ("Any objections to this Report and Recommendation must be filed with the Clerk of the Court, with courtesy copies to Judge Garaufis and to my

chambers, within fourteen (14) days. Failure to file objections within the specified time waives the right to appeal the district court's order.”.) Therefore, the court reviews the R&R for clear error. See Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM), 2010 WL 985294, at \*1 (E.D.N.Y. Mar. 15, 2010); La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); cf. 28 U.S.C. § 636(b)(1). Finding no clear error, the court adopts the R&R in its entirety. See Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007).

Accordingly, the court ADOPTS the R&R IN FULL. Plaintiff's motion for summary judgment is GRANTED as to liability. The parties are DIRECTED to appear for a hearing on damages before Judge Levy on October 15, 2014.

SO ORDERED.

Dated: Brooklyn, New York  
August 19, 2014

s/Nicholas G. Garaufis  
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NICHOLAS G. GARAUFIS  
United States District Judge